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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,227	04/17/2002	Hiroaki Saei	33082M113	1751

7590 12/09/2003

Smith Gambrell & Russell
Beveridge DeGrandi Weilacher & Young
Intellectual Property Group
1850 M Street NW Suite 800
Washington, DC 20036

EXAMINER

BRATLIE, STEVEN A

ART UNIT	PAPER NUMBER
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3652

DATE MAILED: 12/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE
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10/019227

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.

EXAMINER	
ART UNIT	PAPER NUMBER
	10

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents and Trademarks

Responsive to Communication Filed _____

The enclosed is a correct copy of a reference relating to the last Office action. The correction is indicated below.

THE PERIOD FOR RESPONSE OF 3 MONTHS SET IN SAID OFFICE ACTION IS
RESTARTED TO BEGIN WITH THE DATE OF THIS LETTER.

☐ Part 1 - Correct Reference Citation

by _____

Examiner

☒ Part 2 - Correct Reference Furnished:

typewritten office action

by _____

Reference Order Center

Steven A. Bratlie

STEVEN A. BRATLIE
PRIMARY EXAMINER

enc.

Art Unit: ~~3641~~ 3652

1. The drawings are objected to because Fig. 37 must be labeled prior art. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are: "in a surely held condition without trembling".

3. Claims 12, 14, 15, and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. For example:

A.) Claim 12 "the lid-detecting unit" no proper antecedent basis;

B.) Claim 14 "the lid-detecting unit";

C.) Claim 15 not a sentence; and

D.) Claim 21 "the driver" no proper antecedent basis.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3641

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claim 1-16, 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bacchi et al in view of Nering et al and ~~EP~~^EP 827185.

Bacchi et al disclose a substantially similar pod door opener. Note lid detector #164 and pushing member #150 (Figs 10-11B). Bacchi et al lack a driving plate and a controller. Nering et al discloses the use of the driving plate, while ~~EP~~^EP 827185 discloses the use of a controller. It would have been obvious to a mechanic with ordinary skill in the art at the time the invention was made to provide the primary reference with these features. The motivation is to better control door opening.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Bratlie whose telephone number is (703) 308-2669. The examiner can normally be reached on Monday through Thursday from 6:30 to 5:00. Friday is the examiner's day off.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-4177.

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Bratlie/vs
December 8, 2003

STEVEN A. BRATLIE
PRIMARY EXAMINER